

1 Rene L. Valladres
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *C.B. Kirschner
5 Assistant Federal Public Defender
6 Pennsylvania Bar No. 92998
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 CB_Kirschner@fd.org
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12 *Attorney for Petitioner Luis Gonzalas

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
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12 Luis Gonzalas,
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14 Petitioner,
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16 v.
17 Brian Williams, et. al.,
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19 Respondents.

Case No. 2:17-cv-01653-RFB-GWF
**Unopposed Motion for Extension
of Time to File Amended Petition**
(First Request)

20 Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant
21 Federal Public Defender, moves this Court for an extension of time of ninety-one
22 (91) days¹ from June 18, 2018, to and including September 17, 2018, to file the First
23 Amended Petition.
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¹ An extension of 90 days would result in the Amended Petition being due on a Sunday.

1 **POINTS AND AUTHORITIES**

2 1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life
3 with the possibility of parole, following his conviction for murder with use of a
4 deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus
5 Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to
6 Death). ECF No. 1-1. Mr. Gonzalas remains incarcerated with the Nevada
7 Department of Corrections.

8 2. This Court appointed the Office of the Federal Public Defender as
9 counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition
10 for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel entered her appearance on
11 March 8, 2018. ECF No. 10.

12 3. The Amended Petition is currently due June 18, 2018. Mr. Gonzalas
13 now requests an additional ninety-one (91) days, up to and including September 17,
14 2018, to file the Amended Petition. This is the first request for an extension of time.

15 4. The additional period of time is necessary in order to effectively
16 represent Mr. Gonzalas. This motion is filed in the interests of justice and not for
17 the purposes of unnecessary delay.

18 5. Since being appointed to this case, counsel's office has been in the
19 process of obtaining and organizing the state court records, transcripts, as well as
20 prior counsels' files. In accordance with our filing system and procedures, these
21 materials need to be sorted, organized, scanned, and coded into our electronic case
22 system. This must be done before counsel can file a complete and accurate Amended
23 Petition. Counsel is also still in the process of obtaining prior counsels' files and
24 reviewing the numerous state court transcripts in this case, which includes a five-
25 day long jury trial.
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1 6. Counsel has been working on several other cases with recent, and
2 immovable, filing deadlines, including: a First Amended Petition in *Barron-Aguilar*
3 *v. Wickham*, case no. 3:17-cv-00548-MMD-VPC, AEDPA statute of limitations was
4 May 4, 2018 (filed on May 3rd); a First Amended Petition in *Azcarate v. Williams*,
5 case no. 2:17-cv-02190-RFB-GWF, AEDPA statute of limitations was May 9, 2018
6 (filed that day); an Opening Brief to the Nevada Supreme Court in *Ennis v. Nevada*,
7 case no. 74457, due May 18, 2018 with no further extensions (filed May 17th); a First
8 Amended Petition in *Dryden v. Williams*, case no. 2:17-cv-00704-JAD-NJK, due
9 June 4, 2018 with no further extensions (filed that day); and a Reply Brief to the
10 Ninth Circuit Court of Appeals in *Noguera v. Smith*, case no. 17-16185, due June
11 18, 2018 (filed this day). Counsel is currently working on several other upcoming
12 filing deadlines in other habeas cases.

13 7. Counsel was also out of the office on leave from May 18 to May 24,
14 2018.

15 8. On June 14, 2018, Deputy Attorney General Jessica Perlick was
16 contacted via email and stated that she did not object to the extension, but the lack
17 of objection should not be construed as a waiver of any procedural defenses, nor as a
18 concession that any amended petition will be considered timely filed, nor as a basis
19 for equitable tolling.

20 9. For the above stated reasons, Petitioner respectfully requests this
21 Court grant the request for an extension of time of ninety-one (91) days and order
22 the Amended Petition to be filed on or before September 17, 2018.

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1 Dated this 18th day of June, 2018.

2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 /s/ CB Kirschner

6 C.B. Kirschner
7 Assistant Federal Public Defender

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10 IT IS SO ORDERED:

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12 RICHARD F. BOULWARE, II
13 United States District Court
14 DATED: June 19, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Luis Gonzalas
#1016275
1250 E. Arica Rd
Eloy, AZ 85131

/s/ *Dayron Rodriguez*